

COMMONWEALTH OF MASSACHUSETTS
TOWN OF WESTFORD
WARRANT

Middlesex, ss.

To the Constable of the Town of Westford, in said County,

GREETINGS:

You are required in the name of the Commonwealth aforesaid, to notify and warn all inhabitants of said Town qualified to vote in elections, and also in Town affairs, to meet at the Abbot School Gymnasium at Depot Street on the following date:

Saturday, March 23, 2013

(voter registration deadline, Friday, March 1, 2013 at 8:00pm)

at 10:00 o'clock in the morning, then and there to act upon the following articles:

REPORTS

ARTICLE 1:	Accept Town Reports	<i>Town Manager</i>
	To see if the town will vote to accept the Reports of Town Officers, Boards and Committees for the Fiscal Year 2012;	
	Or act in relation thereto.	

FINANCIAL - FISCAL YEAR 2013

ARTICLE 2:	Unpaid Bills from Previous Fiscal Year(s)	<i>Town Manager</i>
	To see if the Town will vote to appropriate a sum of money to pay for unpaid bills of prior fiscal years for various Town departments in accordance with the provisions of <u>Massachusetts General Laws Chapter 44, Section 64</u> ;	
	Or act in relation thereto.	

ARTICLE 3:	Fiscal Year 2013 Supplemental Appropriations	<i>Town Manager</i>
	To see if the Town will vote to appropriate various sums in order to supplement operating budgets for the Fiscal Year ending June 30, 2013;	
	Or act in relation thereto.	

ARTICLE 4:	Fiscal Year 2013 Budget Transfers	<i>Town Manager</i>
	To see if the Town will vote to transfer various sums between and among various accounts for the Fiscal Year ending June 30, 2013;	
	Or act in relation thereto.	

ARTICLE 5:	Transfer From the Perchlorate Stabilization Fund for Perchlorate Expenses	<i>Board of Selectmen</i>
	To see if the Town will vote to transfer the sum of \$250,000 (TWO HUNDRED FIFTY THOUSAND DOLLARS) from the perchlorate stabilization fund to the town manager perchlorate remediation	

account for the purpose of providing funds to address associated issues regarding perchlorate contamination;

Or act in relation thereto.

ARTICLE 6:	Appropriate Funds to Address Public Safety Hazards at 12 North Main Street	<i>Board of Selectmen</i>
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To see if the Town will vote to appropriate from Free Cash the sum of \$50,000 (FIFTY THOUSAND DOLLARS) for the purpose of providing funds to address associated issues regarding the condition of the property at 12 North Main Street;

Or act in relation thereto.

ARTICLE 7:	Authorize Expenditure from Insurance Receipts Reserved	<i>Board of Selectmen</i>
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To see if the Town will vote to appropriate from insurance receipts reserved in accordance with Massachusetts General Laws Chapter 44, Section 53;

Or act in relation thereto.

ARTICLE 8:	Capital Appropriations for Fiscal Year 2013	<i>Capital Planning Committee</i>
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To see if the Town will appropriate by taxation, by transfer from available funds, by borrowing, or any combination thereof, the sum of \$781,000 (SEVEN HUNDRED EIGHTY ONE THOUSAND DOLLARS) to provide for the following capital requests:

DEPARTMENT	AMOUNT	PURPOSE
Ambulance	\$60,000	Rehabilitation of Ambulance #10 and any other related costs
Ambulance	\$20,000	Purchase Emergency Medical Service equipment and any other related costs
Engineering	\$31,000	Minot's Corner Engineering
Water Department	\$600,000	Water system improvements on Edwards Avenue, Hadley Road, and Williams Avenue in the Nabnasset Section of Town, including all costs incidental and related thereto
Water Department	\$40,000	Purchase of a 4 Wheel Drive pick-up truck w/plow, accessories and any other related costs
Water Department	\$30,000	Purchase of Utility Van, accessories and any other related costs

Or act in relation thereto.

COMMUNITY PRESERVATION FUNDS

ARTICLE 9:	Community Preservation Committee Recommendations	<i>Community Preservation Committee</i>
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To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2013 Community Preservation budget and to appropriate from the Community Preservation Fund a sum of money not exceeding 5% of the FY2013 estimated annual revenues to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2013; and further to reserve for future appropriation a sum of money from the Community Preservation Fund for open space, historic resources, and community housing purposes, and further to appropriate from the Community Preservation Fund or borrow

pursuant to Massachusetts General Laws Chapter 44B, Section 11, or any other enabling authority, a sum or sums of money for Community Preservation projects or purposes, including acquisition of interests in land, all as recommended by the Community Preservation Committee;

Or act in relation thereto.

FINANCIAL-FISCAL YEAR 2014

ARTICLE 10: Amend the Wage and Classification Plan

Town Manager

To see if the Town will vote to amend the Pay Classification Plan for non-unionized municipal employees, effective July 1, 2013;

Or act in relation thereto.

ARTICLE 11: Fiscal Year 2014 Operating Budget

Town Manager

To see if the Town will vote to appropriate a sum of money by taxation, by transfer from available funds, by borrowing, or any combination thereof, for the operation and maintenance of Town Departments for the Fiscal Year July 1, 2013 through June 30, 2014, and that such sums be expended for such purposes under the direction of the respective Town Officers, Boards and Committees;

Or

To see if the Town will vote to appropriate a sum of money by taxation, by transfer from available funds, by borrowing, or any combination thereof, for the operation and maintenance of Town Departments for the Fiscal Year July 1, 2013 through June 30, 2014, and further to raise and appropriate a supplemental amount to fund the operation and maintenance of the Westford Public Schools contingent on the passage of a Proposition 2 and ½ override; and that all such sums be expended for such purposes under the direction of the respective Town Officers, Boards and Committees;

Or act in relation thereto.

ARTICLE 12: Authorize Revolving Funds

Town Manager

To see if the Town will vote to authorize revolving funds for the Fiscal Year July 1, 2013 - June 30, 2014, under the provisions of Massachusetts General Laws Chapter 44, Section 53E ½ for the following:

Revolving Account	Spending Authority	Revenue Source	Allowed Expenses	Expenditure Limits	Year End Balance
Lease of Town Buildings: 65 & 73 Main St 170 Plain Rd	Board of Selectmen	Lease payment and other revenues from leased properties	Costs associated with maintenance, repairs and improvements to the leased properties	\$550,000	Available for expenditure next year
Recycling Revolving	Recycling Commission	Sale of bins	Purchase of recycling supplies	\$20,000	Available for expenditure next year
Recreation Field Maintenance	Recreation Commission	Field user fees/permits	Field maintenance, hiring of necessary personnel and consulting services	\$150,000	Available for expenditure next year
Senior Center Fitness Room	Council on Aging	Fees and gifts received for the Fitness Room	Fitness room maintenance supplies, equipment warranties, training, monitoring and purchase of replacement fitness equipment	\$75,000	Available for expenditure next year

Senior Center Programs	Council on Aging	Program fees	Costs associated for the operation of activities for Cameron to include supplies and wages	\$50,000	Available for expenditure next year
School Parking	School Department	Parking fees	Maintenance and expansion of parking facilities	\$30,000	Available for expenditure next year
School Bus/Transportation	School Department	User bus fees	Student transportation costs	\$589,292	Available for expenditure next year
East Boston Camps Maintenance	Conservation Commission	Revenue received for the lease, rental or licensing of camp facilities and donations received for the support of the East Boston Camps property	Costs associated for the operation and maintenance of the East Boston Camps property	\$50,000	Available for expenditure next year
Stormwater Revolving Fund	Planning Board	Peer review fees from applicants for stormwater management permits	Third party consultant review of stormwater management permits and/or construction inspection	\$20,000	Available for expenditure next year
Immunizations and Clinical Services	Board of Health	Fees received for immunizations and clinical services for the purpose of	costs of supplies and technical services for immunization and clinical programs	\$25,000	Available for expenditure next year

Or act in relation thereto.

ARTICLE 13:	Appropriate Chapter 90 Local Transportation Funds for Roadway Maintenance	<i>Board of Selectmen</i>
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To see if the Town will vote to appropriate a sum of money from the proceeds due to the Town under the provisions of Massachusetts General Laws Chapter 90;

Or act in relation thereto.

ARTICLE 14:	Accept Massachusetts General Laws Chapter 59 Section 5, Clause 56 Related to Abatements for Members of the National Guard	<i>Board of Assessors</i>
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To see if the Town will vote to accept Massachusetts General Laws Chapter 59, § 5 Cl 56: "Upon the acceptance of this section by a city or town, the Board of Assessors may grant, real and personal property tax abatement up to 100 per cent of the total tax assessed to members of the Massachusetts National Guard and to reservists on active duty in foreign countries for the fiscal year they performed such service subject to eligibility criteria to be established by the board of assessors. The authority to grant abatements under this section shall expire after 2 years of acceptance unless extended by a vote of the city or town";

Or act in relation thereto.

ARTICLE 15:	Accept Massachusetts General Laws Chapter 73, Section 4 of the Acts of 1986, as Amended by Chapter 126 of the Acts of 1988 Related to Property Tax Exemption Increase by 100% for the Blind, Elderly and Disabled Veterans	<i>Board of Assessors</i>
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To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 73, Section 4 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, by providing for

additional property exemptions for qualified residents who may be blind, elderly, surviving spouses or minors, or who are disabled veterans, and to continue the present percentage increase of 100%;

Or act in relation thereto.

CAPITAL APPROPRIATIONS

ARTICLE 16: Capital Appropriations for Fiscal Year 2014

Capital Planning Committee

To see if the Town will appropriate by taxation, by transfer from available funds, by borrowing, or any combination thereof, the sum of \$2,931,692 (TWO MILLION NINE HUNDRED THIRTY ONE THOUSAND SIX HUNDRED NINETY TWO DOLLARS) to provide for the following capital requests:

<i>DEPARTMENT</i>	<i>AMOUNT</i>	<i>PURPOSE</i>
Emergency Management	36,000	AM Radio Notification System
Engineering Department	300,000	Master Plan for Town's Drainage System
Engineering Department	175,000	Design for Intersection Improvements at Groton Road and Oak Hill Road
Engineering Department	125,000	Design for Intersection Improvements at Groton Road and Dunstable Road
Engineering Department	25,000	Design for Beaver Brook Road Bridge Repairs
Fire Department	544,000	Fire Truck
Fire Department	34,900	Firehouse Flooring (Excl. Center Station)
Highway	195,792	10 wheel Dump/sander/plow
Highway	70,000	2 pickup trucks
Highway	50,000	1 ton truck
Schools	550,000	WA Bleachers
Schools	90,000	Replace 2nd boiler at Abbot
Schools	90,000	Replace 2nd boiler at Robinson
Schools	20,000	WA Network Infrastructure
Technology	325,000	Computer Replacement
Technology	35,000	Fusion Software for Fire/Ambulance
Technology	11,000	GIS Flyover
Town Manager	150,000	Town-wide/school-wide Facility Study
Stabilization	105,000	Capital Stabilization

Or act in relation thereto.

ADMINISTRATIVE

ARTICLE 17:	Authorize Lease Agreement for Radio Telecommunications Facility to be Located at the Highway Department at 28 North Street	<i>Board of Selectmen</i>
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To see if the Town will vote to transfer the care, custody, management and control of certain property being the Westford Highway Facility at 28 North Street, identified as Assessor's Parcel 030-0030-0000, described in a deed recorded with the Middlesex North Registry of Deeds in Book 11232, Page 204, from the Board of Selectmen for purposes of a highway facility to the Board of Selectmen for purposes of a highway facility and for purposes of leasing and granting an easement and to authorize the Board of Selectmen to enter into a lease with a telecommunications service provider to construct, install, operate and maintain a Radio Telecommunications Facility (RTF) on said property, and for access to and from said property and to construct, install, operate and maintain utilities necessary for the operation of the RTF, said lease to be for a term up to 20 years, and on such terms and conditions as the Board of Selectmen deems to be in the best interests of the Town; and further to authorize the Board of Selectmen to convey to a telecommunications service provider, and its successors and assigns, on such terms and conditions as the Board of Selectmen may determine, a non-exclusive easement over a portion of the property for the purposes of constructing, installing, maintaining and operating the RTF, including electric and telephone utilities necessary for the operation of the RTF on the property, and access thereto for said purposes;

Or act in relation thereto.

ARTICLE 18:	Authorize Board of Selectmen to Accept Easements	<i>Board of Selectmen</i>
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To see if the Town will vote to authorize the Board of Selectmen, during Fiscal Year 2014, to accept any and all easements for sidewalk, drainage, or other utility purposes, as they may deem in the Town's best interests;

Or act in relation thereto.

ZONING BYLAW AMENDMENTS

ARTICLE 19:	Amend Section 6 to Add New Section 6.6 Temporary Moratorium on Medical Marijuana Treatment Centers	<i>Planning Board</i>
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To see if the Town will vote to amend the Town's Zoning Bylaw by adding a new Section 6.6, **Temporary Moratorium on Medical Marijuana Treatment Centers**, and to amend the Table of Contents to add Section 6.6, "Temporary Moratorium on Medical Marijuana Treatment Centers" and to add a definition in Section 10.2.

6.6. TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS

6.6.1 Purpose

1. By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law provides that it is effective on January 1, 2013 and the State Department of Public Health is required to issue regulations regarding implementation within 120 days of the law's effective date.
2. Currently under the Zoning Bylaw, a Medical Marijuana Treatment Center is not a permitted use in the Town and any regulations promulgated by the State Department of Public Health are expected to provide guidance to the Town in regulating medical marijuana, including Medical Marijuana Treatment Centers. The regulation of medical marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Medical Marijuana Treatment Centers and better understand and address the complex issues mentioned herein. Furthermore, the Town needs to understand the potential impact of the State regulations on local zoning and to undertake a planning process to consider

amending the Zoning Bylaw regarding regulation of medical marijuana treatment centers and other uses related to the regulation of medical marijuana.

3. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Centers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town, to study the complex issues noted herein, and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

6.6.2 Temporary Moratorium

1. For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center. The moratorium shall be in effect through June 30, 2014.
2. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations Regarding Medical Marijuana Treatment Facilities and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Medical Marijuana Treatment Centers and related uses.

And Further;

Add the following definition in alphabetical order to this section.

Section 10.2 GENERAL DEFINITIONS

Medical Marijuana Treatment Center: A not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.

Or take any action relative thereto.

ARTICLE 20:	Amend Section 5.3 to Replace the Sign Bylaw in its Entirety	<i>Planning Board</i>
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To see if the Town will amend Section 5.3 of the Westford Zoning Bylaw, a copy of which is on file with the town clerk;

Or act in relation thereto.

ARTICLE 21:	Amend Section 9.3 Special Permits to Allow for Applicant to Contribute Funds in Lieu of Sidewalk Construction	<i>Planning Board</i>
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To see if the Town will amend Section 9.3 of the Westford Zoning Bylaw to add a subsection providing for off site sidewalk construction and providing for funds in lieu of construction to be accepted by the Planning Board. The sub section relates only to projects that are being considered by the Planning Board under a Special Permit. The proposed language is shown below in underline.

9.3 SPECIAL PERMITS

- 9.3.1 **Special Permit Granting Authority.** Unless specifically designated otherwise, the Board of Appeals shall act as the special permit granting authority.

- 9.3.2 **Criteria.** Special permits shall be granted by the special permit granting authority, unless otherwise specified herein, only upon its written determination that the proposed use or structure(s) shall not cause substantial detriment to the neighborhood or the town, taking into account the characteristics of the site and of the proposal in relation to that site. In addition to any specific factors that may be set forth elsewhere in this Bylaw, such determination shall include consideration of each of the following:
1. Social, economic, or community needs which are served by the proposal;
 2. Traffic flow and safety, including parking and loading;
 3. Adequacy of utilities and other public services;
 4. Neighborhood character and social structures;
 5. Impacts on the natural environment; and
 6. Potential fiscal impact, including impact on town services, tax base, property values, and employment.
- 9.3.3 **Procedures.** Applications shall be filed in accordance with the rules and regulations of the special permit granting authority. An application shall not be deemed complete until all copies of required information and documentation have been filed with the special permit granting authority.
- 9.3.4 **Plans.** An applicant for a special permit shall submit a plan in substantial conformance with the requirements of Section 9.4, herein.
- 9.3.5 **Conditions.**
1. Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the special permit granting authority may deem necessary to serve the purposes of this Bylaw.
 2. For special permits in which a requirement to construct on-site sidewalks is waived by the special permit granting authority, the special permit granting authority may, as a condition of approval, require the applicant to construct an off-site sidewalk in a location within proximity to the subject project; or may entertain an offer from the applicant for a contribution of funds into a public sidewalk account established by the Town of Westford for the dedicated purpose of designing and/or constructing sidewalks, pathways, walkways, bicycle paths, and/or other pedestrian access and safety measures. Where a contribution of funds is accepted in lieu of sidewalk construction, the amount of such funds shall be equal to the cost of the sidewalk(s) that would have been required in the absence of a waiver, with such amount determined and agreed upon by the special permit granting authority within the public hearing process.
- 9.3.6 **Lapse.** Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 24 months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the Town Clerk.
- 9.3.7 **Regulations.** The special permit granting authority may adopt rules and regulations for the administration of this section.
- 9.3.8 **Fees.** The special permit granting authority may adopt reasonable administrative fees and technical review fees for applications for special permits.

Or act in relation thereto.

To see if the Town will vote to amend the Town's Zoning Bylaw by updating references and new criteria for subdivisions in the Floodplain Overlay District Section 8.2 (added words are shown in **bold and underlined**, deleted words are shown in ~~striketrough~~).

8.2 FLOODPLAIN OVERLAY DISTRICT (FOD) [Amended 3-27-2010 ATM, Art. 26]

8.2.1 **Purpose.** The Floodplain Overlay District (FOD) is established as an overlay district to all other districts:

1. to protect public health, safety and general welfare;
2. to protect human life and property from hazards of periodic flooding;
3. to preserve natural flood control characteristics and the flood storage capacity of the floodplain; and
4. to preserve and maintain the groundwater table and water recharge areas within the floodplain.

All development in the district, including structural and non-structural activities, whether Massachusetts General Laws and with the following:

- **Sections of the Massachusetts State Building Code application to construction in the floodplain:** ~~Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes");~~
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

8.2.2 **District Boundaries.** The FOD includes all special flood hazard areas within the Town of Westford designated as Zone A and AE on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Westford are panel numbers 25017C0113E, 25017C0114E, 25017C0118E, 25017C0226E, 25017C0227E, 25017C0228E, 25017C0229E, 25017C0231E, 25017C0232E, 25017C0233E, 25017C0234E, 25017C0236E, 25017C0237E, 25017C0241E, 25017C0242E and 25017C0243E anticipated to be dated June 4, 2010. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the floodway data tables in Middlesex County Flood Insurance Study (FIS) report anticipated to be dated June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board and Building Commissioner.

8.2.3 **Overlay District.** The FOD shall be considered as overlaying all classes of districts listed in Section 2.1. All development, including structural and nonstructural activities, whether permitted by right or by special permit, must be in compliance with the Massachusetts State Building Code pertaining to construction in the floodplain, G.L. c. 131, s. 40, and other pertinent regulations.

8.2.4 **Uses Permitted by Right.** The following uses are permitted by right since they create a minimal risk of damage due to flooding and will not constitute obstructions to flood flow, provided that they are permitted in the underlying district and that they do not require structures, fill or storage of materials or equipment:

1. Agricultural uses such as farming, grazing, truck farming, and horticulture.
2. Forestry and nursery uses.
3. Outdoor recreational uses, including fishing, boating and play areas.
4. Conservation of water, plants and wildlife.
5. Wildlife management areas; foot, bicycle and horse paths.
6. Temporary nonresidential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
7. Buildings lawfully existing prior to the adoption of these provisions May 7, 1983.

8.2.5 **Uses Permitted by Special Permit.**

1. No structure or building shall be erected, constructed, substantially improved, or otherwise created or moved, and no earth or other materials dumped, filled, excavated, or transferred, unless a special permit is granted by the Planning Board.
2. All subdivision proposals must be designed to assure that:
 - a. such proposals minimize flood damage;
 - b. all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - c. adequate drainage is provided to reduce exposure to flood hazards.

8.2.6 **Special Permit Procedures.**

1. Upon receipt of an application for a special permit, the Board shall transmit one (1) copy of the development plan to the Conservation Commission, the Board of Health and the Building Commissioner. Final action shall not be taken until reports have been received from the above Boards or until thirty-five (35) days shall have elapsed following referral without receipt of such reports.
2. The Planning Board may issue a special permit if the application complies with the following provisions:
 - a. The proposed use complies in all respects with the provisions of the underlying district and all provisions in the Massachusetts State Building Code pertaining to construction in the Floodplain.
 - b. The proposed new construction, substantial improvement and other development or encroachment within the Floodway as designated on the maps shall be accompanied by a certification by a registered professional engineer or architect demonstrating that such activity shall not result in any increase in flood levels during the occurrence of the one hundred (100) year flood.
3. Floodway Data. In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
4. Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 5 acres, within A zones.

8.2.7 **Notification of Watercourse Alteration.**

In a riverine situation, Westford shall notify the following of any alteration or relocation of a watercourse:

1. Adjacent Communities
2. NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
3. NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

Or act in relation thereto.

ARTICLE 23:	Amend Section 3.1.2 Appendix A, "Table of Principal Use Regulations" to Allow for Drive-through Restaurants and Add New Section 3.1.4 Which Regulates All Drive-through Uses, and to Add a Definition in Section 10.2.	<i>Planning Board</i>
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To see if the Town will amend Section 3.1.2, Appendix A. "Table of Principal Use Regulations" Subsection D.(C).5. Restaurant, drive-through" from an N (not permitted) to SPB (Special Permit by the Planning Board) and adding a reference in the table, adding a new section 3.1.4. which regulates drive-through uses, and adding a definition in Section 10.2, Definitions. Only subsections that have proposed changes are included below. Subsections not listed below do not have changes proposed.

Excerpt of Appendix A: Table of Principal Use Regulations, Westford Zoning Bylaw: June 29, 2012

	RA	RB	B	BL	CH	IH	IA	IB	IC	ID
D. Commercial Uses										
D. (A) Retail Uses										
1. Retail sales to the general public	N	N	Y	N	Y	N	Y	Y	N	N
2. Retail sales to industrial or commercial buyers	N	N	N	N	SPB	Y	N	N	N	N
3. Retail sales of dairy products	N	N	Y	N	Y	N	Y	N	N	N
4. Retail sales or leasing of motor vehicles	N	N	N	N	Y	Y	N	N	N	N
5. Major retail project	N	N	SPB	SPB	SPB	SPB	SPB	N	N	N
D. (B) Motor Vehicle Services										
1. Motor vehicle services	N	N	SPA	N	SPA	SPA	SPA	SPA	N	N
2. Motor vehicle repair establishments	N	N	SPA	N	SPA	SPA	SPA	SPA	N	N
D. (C) Other Commercial Uses										
1. Nursing or convalescent home	SPA	SPA	SPA	N	N	N	SPA	SPA	N	N
2. Funeral home	N	N	Y	N	Y	N	Y	Y	N	N
3. Hotel	N	N	Y	N	SPB	N	Y	Y	N	N
4. Restaurant	N	N	Y	Y	Y	N	Y	Y	N	N
5. Restaurant, drive-through windows in, See section 3.1.4	N	N	N	N	N SPB	N	N	N	N	N
6. Business or professional office	N	N	Y	Y	Y	Y	Y	Y	Y	Y
7. Printing establishment; newspaper	N	N	Y	N	N	N	Y	Y	Y	Y
8. Nonexempt educational use	N	N	N	N	Y	N	N	N	N	N
9. Nonprofit membership club	Y	Y	Y	N	Y	N	Y	Y	N	N

See Definitions Y = permitted, N = not permitted

SPB = special permit by Planning Board

SPA = special permit by Zoning board of Appeals

And Further;

Amend Section 3.1.2. Appendix A. "Table of Principal Use Regulations" Subsection F.2. as follows:

	RA	RB	B	BL	CH	IH	IA	IB	IC	ID
F. Other Uses										

1. Research conducted by a nonprofit educational institution	SPA	SPA	SPA	SPA	N	N	SPA	SPA	SPA	SPA
2. Drive-up or drive-through window facilities, except restaurants. <u>See section 3.1.4</u>	N	N	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB
3. Accessways to other districts	Y	Y	Y	Y	Y	Y	Y	N	N	N
4. RTF, including Antennas, equipment and Structures (see Section 6.2 for exemptions)	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA

See Definitions Y = permitted, N = not permitted

SPB = special permit by Planning Board

SPA = special permit by Zoning board of Appeals

And Further;

Add new Section 3.1.4 as follows:

3.1.4 Drive-through Windows

1. *Procedure.* Upon a concurrent application for Site Plan Review, under Section 9.4 of this bylaw, and in accordance with this section and Section 9.3, the Planning Board is the Special Permit Granting Authority (SPGA) for drive-through windows. There are two types of drive-through windows allowed in Appendix A, Table of Principal Uses: 1) drive through windows for restaurants and 2) other drive through windows.
 - a. Application. In addition to the application materials required for site plan approval, the applicant shall submit the following:
 - i. Materials required in the Town's "Guidelines for Preparation of a Transportation Impact Assessment," regardless of the number of hourly trips. The required Scoping Letter shall include predictions of peak and off peak traffic generation and patterns associated for the drive-through window and for the primary use without the drive-through window. If the subject use is an existing or previously approved use, the applicant will also submit the traffic study submitted at the time of such initial approval (if applicable).
 - ii. In accordance with the "Guidelines for Preparation of a Transportation Impact Assessment," the applicant shall show on the site plans how the proposed traffic flow, parking lay out, stacking areas, lighting, rubbish control, signage, dispensing areas, and other equipment, landscaping features and driveways associated with the drive-up window will be safe and meet recommendations of the Town technical staff.
 - iii. A narrative description of the drive-through window operation, including hours of operation and anticipated vehicle traffic peak hour trips and queuing lines based on the traffic study.
2. *Development standards for all drive-through windows.*
 - a. The drive-through window facility must be subordinate to the principal use. Subordinate means that all components of the drive-through window facility in total, occupy less street frontage [*alternatively, less square footage*] than that of the primary commercial building in which the principal use is located.
 - b. Driveway connection to the public way shall be safe, which may mean that pre-existing conditions shall be improved by the addition of the drive-through window.
 - c. In the case where a project has an access driveway on a state highway, the applicant shall obtain confirmation from the Massachusetts Department of Transportation (MassDOT) that they do not have concerns about the proposed drive-through operation, or that the subject site can be improved or reprogrammed to properly service additional traffic generated by the drive-through window.
 - d. In the case where a project has an access driveway on a town road, the primary access or egress driveway intersection with the adjacent roadway shall be improved or reprogrammed to properly service traffic generated by the drive-

through window as determined by the TIAS and Town Engineer and Highway Superintendent recommendations.

- e. Drive-through windows shall not operate outside of the following hours of operation: 7:00 a.m. to 10:00 p.m.
 - f. Drive-through windows shall provide adequate circulation that accommodates vehicular and pedestrian traffic as well as providing for adequate space for parking lot circulation, entrance and exiting of the subject lot.
 - g. Vehicular Queuing
 - i. Queuing areas shall not be located between the structure with the principal use and the primary street frontage. If there is more than one street frontage, the Board shall determine which street frontage is primary.
 - ii. Minimum drive through queue on the subject site shall provide for 6 cars with space designed on the plan for an additional 6 queue spaces on the subject site. The Board shall have the right to adjust queue length which shall be stipulated in any permit by the Board.
 - iii. Queue lines shall be designed to minimize conflicts between pedestrians and vehicles and between queuing cars and other parking lot vehicular circulation. .
3. *Development Standards for Restaurant drive-through windows.* The Planning Board shall require that each restaurant incorporating a drive-through window contain the following features and conditions:
- a. There shall be a minimum separation of [500 – 1,000] linear feet between driveways serving restaurant drive through windows. The Planning Board may waive this requirement if applicant provides documentation that there will not be a decrease in the level of service on the adjacent roadway.
 - b. No drive-up windows shall be allowed, which, according to the traffic study, would generate a projected increase of more than [10-50] % _____ percent in peak hour trips (ADT) as a result of the addition of a drive-up window when compared to the restaurant without a drive-up window.
 - i. for the purpose of this requirement, when the application is for a drive-up window to be added to an existing restaurant, the traffic data for “a restaurant without a drive up window” to be used for purpose of the comparison will be the GREATER of either (1) current traffic data reporting actual peak hour and off-peak traffic volume, or (2) traffic data reporting projected peak hour and off-peak traffic volume in the traffic study submitted at the time of approval for the original construction of the restaurant.
 - c. Provision for refuse collection and refuse control shall be incorporated within the application and shall be incorporated as conditions within the special permit decision. Such provisions shall ensure the permit granting authority that no refuse shall litter the subject site and surrounding properties. Such measures such as, but not limited to the following:
 - i. Refuse collection devices within the premises;
 - ii. Refuse collection devices accessible from an automobile near the exit to the premises; and
 - iii. Operational measures for frequent refuse collection.
4. The Planning Board shall approve such special permits upon:
- a. Compliance with the above stated requirements and conditions;
 - b. incorporation with the Special Permit of such other conditions as the Planning Board deems necessary to properly regulate traffic, refuse, lighting, pedestrian safety, and other conditions deemed necessary; and
 - c. Conformance with the Special Permit criteria in 9.3. 2 and Site Plan criteria in 9.4 7.

And Further;

Add the following definition in alphabetical order to this section.

Section 10.2 GENERAL DEFINITIONS

Drive-through window. Any window opening, chute or other mechanism and related canopy or other structure and vehicle circulation area designed to provide services such as banking or pharmacy, or service of food and beverages to occupants of vehicles.

Or act in relation thereto.

STREET ACCEPTANCES

ARTICLE 24:	Accept Misty Lane and Rolling Meadows Lane as Public Ways	<i>Board of Selectmen</i>
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To see if the Town will vote to accept the layout of MISTY LANE as Town public way pursuant to Massachusetts General Laws Chapter 82;

And Further;

To see if the Town will vote to accept the layout of ROLLING MEADOWS LANE as Town public way pursuant to Massachusetts General Laws Chapter 82;

Or act in relation thereto.

CARE AND CUSTODY OF TOWN LAND

ARTICLE 25:	Acquire Acton Road Parcel	<i>Board of Selectmen</i>
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To see if the Town will vote to authorize the Board of Selectmen to acquire, on such terms and conditions as the Board shall deem appropriate, by gift, for general municipal purposes, a parcel of land, with restrictions encumbering the same, shown as "N/F Crest Haven Development Corporation" on a plan entitled "Property Plan of Crest Haven Development Corporation 62 Acton Road Westford, Massachusetts Surveyed for Town of Westford," dated February 4, 2013;

Or act in relation thereto.

ARTICLE 26:	Transfer Custody of Parcels from the Tax Possession Sale Committee to the Conservation Commission	<i>Conservation Commission</i>
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To see if the Town will vote to transfer the care, custody, control and management of the following parcels of land from the Tax Possession Sale Committee presently held for the purpose of tax title sale to the Conservation Commission to be held for conservation purposes:

Assessors' Map 30, Parcels 14 and 15, located west of the new Highway Facility
Assessors' Map 38, Parcels 20 and 21, located along Stony Brook, east of Brookside Road
Assessors' Map 44, Parcel 47, located at the corner of Tenney Road and Long Sought for Pond Road
Assessors' Map 66, Parcel 18, located off Stony Brook Road;

Or act in relation thereto.

ARTICLE 27:	Authorize the Transfer of a Portion of the Jack Walsh Fields Parcel Located on Carlisle Road in Exchange for Two Parcels Located on Farmer Way	<i>Board of Selectmen</i>
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To see if the Town will vote to transfer from the Parks and Recreation Commission for a playground or active recreation purposes to the Board of Selectmen for general municipal purposes, a portion of the property commonly known as the "Jack Walsh Site" and described in a deed to the Town filed

with the Middlesex North Registry District of the Land Court as Document 64105 and described in Certificate of Title 19989 in Book 102, Page 377, said parcel containing 1.42 acres, more or less, and shown on a plan entitled "Proposed Location of Fire Sub-Station on Jack Walsh Site," dated November 15, 2012, on file with the Town Clerk, and further to authorize the Board of Selectmen to seek legislative approval of the aforesaid transfer under Article 97 of the Articles of Amendment to the Massachusetts Constitution, if necessary, said transfer to take effect upon such legislative approval and upon the approval thereof by the National Parks Service, and the determination by the Parks and Recreation Commission that said 1.42 acre parcel is no longer needed for active recreation purposes, whichever is later, and to further vote to transfer from the Board of Selectmen to the Parks and Recreation Commission and to dedicate for a playground or active recreation purposes two parcels of property, the first being a portion of Tax Map 035-0110, being a portion of the property described in a deed recorded with the Middlesex North Registry of Deeds in Book 11194, Page 17, the second being a portion of Tax Map 035-0113, being a portion of the property described in a deed recorded with the Middlesex North Registry of Deeds in Book 6597, Page 239, said portions together comprising a parcel containing 1.9 acres, more or less, and shown on a plan entitled "Stony Brook Parcels Showing Potential 1.9 Acre Swap Parcel in Red," on file with the Town Clerk, said transfer to take effect upon the determination by the board having custody of said 1.9 acre parcel that said 1.9 acre parcel is no longer needed for the purpose for which said parcel was formerly held;

Or act in relation thereto.

GENERAL BYLAW AMENDMENTS

ARTICLE 28:	Adopt New Chapter 170: Westford Woods	<i>Citizen Petition</i>
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To see if the Town will vote to adopt a new General Bylaw Chapter 170 to rename the town owned parcels of land and camps now known as Stepinski and East Boston Camps with new names reflecting the Town of Westford ownership of this property as shown below;

Chapter 170: Westford Woods

§ 170.1. Purpose.

The purpose of this bylaw is to rename town owned parcels of land and camps currently known as the Stepinski parcel and East Boston Camps to "Westford Woods." Further, any signage referring to East Boston Camps and Stepinski will be replaced by "Westford Woods." The camps will be renamed to "The Camps at Westford Woods." This does not preclude having a commemorative marker at the campsite denoting the history of the camps nor the naming of water wells or recreation fields situated on the land.

§ 170.2. Definitions

- A. "East Boston Camps" includes the parcels of land and camps approved for purchase by the February 7, 2005 Special Town Meeting Article 1. The land is described as Assessors' Map 31-37, 35-32-4 and a 6,141 square foot lot shown on MNRD (Middlesex North Registry of Deeds) Plan Book 97, Plan 91B and a 25,858 square foot lot and a 48,582 square foot lot both shown on MNRD Plan Book 99, Plan 62A (all to be referred to as Parcel A) and Assessors' Map 36-8 (to be referred to as Parcel B), consisting of approximately 289 acres.
- B. The "Stepinski" parcel includes the parcel of land approved for purchase by the Town of Westford at the October 20, 2008 Special Town Meeting. The land is described as Assessors' Map 31-Parcel 35 consisting of 110.8 acres.
- C. "Westford Woods" is the new name of the combined East Boston Camps and Stepinski parcels

§ 170.3. Naming of Recreational Fields and Water Department Wells

This bylaw does not change the naming rights of the Committees or Boards having "care and custody" of the various recreational fields and wells located on this land.

Or act in relation thereto.

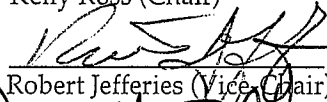
And you, Constable, are directed to serve this warrant by posting a true and attested copy thereof at the Town Hall, Library and at each Post Office in said Town of Westford at least fourteen (14) days prior to the time of holding said meeting.

THEREOF FAIL NOT and make return of this warrant, with your doings thereon, to the Town Clerk, at the time and place of holding the meeting aforesaid.

Given under our hands this 20th day of February in the Year of our Lord 2013.



Kelly Ross (Chair)



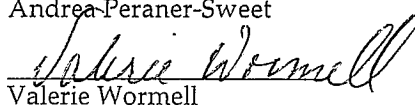
Robert Jefferies (Vice Chair)



Jim Sullivan (Clerk)



Andrea Peraner-Sweet



Valerie Wormell

A TRUE COPY

ATTEST:

Patricia L. Dubey
Constable of Westford

DATE: 2-22-13

I HEREBY CERTIFY THAT I HAVE SERVED THE FOREGOING WARRANT BY POSTING A TRUE AND ATTESTED COPY THEREOF AT THE TOWN HALL, LIBRARY AND AT EACH POST OFFICE IN THE SAID TOWN OF WESTFORD AT LEAST FOURTEEN DAYS PRIOR TO THE TIME OF HOLDING SAID MEETING.